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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 8/24/07

UNITED STATES OF AMERICA,) No. CR 06-0074 RMW
Plaintiff,)
v.) **STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[] ORDER**
JAMES FITZGERALD,)
Defendant.)

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Monday, August 27, 2007, should be continued to Monday, September 10, 2007. At this time, the parties are discussing possible modifications to a proposed plea agreement. The defense requires time to review the plea agreement with Mr. Fitzgerald, and the government requires time to determine whether any modifications to the plea are warranted.

23 The parties further agree that time should be excluded under the Speedy Trial Act from
24 August 27, 2007, to September 10, 2007, because the defense and the government require time
25 for investigation and preparation, and the ends of justice outweigh the defendant's and the
26 public's need for a speedy trial.

STIPULATION TO CONTINUE
HEARING DATE; [] ORDER
No. CR 06-0074 RMW

1 Dated: 8/21/07

2 _____/s/
3 LARA S. VENNARD
4 Assistant Federal Public Defender

5 Dated: 8/23/07

6 _____/s/
7 SUSAN KNIGHT
8 Assistant United States Attorney

9

10 **ORDER**

11 The parties have jointly requested a continuance of the hearing set for August 21, 2007,
12 on grounds that time is needed by both parties to effectively prepare and to accomplish
13 settlement in this matter.

14 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
15 presently set for August 21, 2007, is continued to September 10, 2007, at 9:00 a.m.

16 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
17 from August 21, 2007, to September 10, 2007, shall be excluded from the period of time within
18 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

19 Dated: 8/24/07

20 _____
21 *Ronald M. Whyte*
22 RONALD M. WHYTE
23 United States District Judge

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